

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-18-1264
)	
)	D E C I S I O N
TIMOTHY QUIGG,)	
)	
Defendant.)	

On January 2, 2019, the Defendant was sentenced to the Department of Corrections for five (5) years and ordered to pay a \$7500 fine for the offense of Count I: Operation of Noncommercial Vehicle by Person with Alcohol Concentration of 0.08 or More. As to Count II: Driving While License Suspended or Revoked, the Defendant was sentenced to the Yellowstone County Detention Facility for six (6) months. Count I was ordered to run consecutively to DC-18-0823 and Count II was ordered to run concurrently with Count I. The Defendant received credit for time served from October 15, 2018 through January 2, 2019.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION

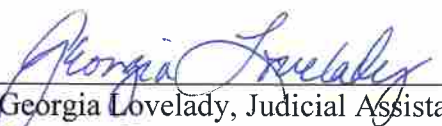

Hon. Brenda Gilbert, Chairperson


Hon. Dan Wilson, Member


Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Timothy Quigg #38408, Defendant (2)
Hon. Donald Harris
Brent Getty, Defense Counsel
Victoria White Callender, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division